

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1706.01
COMPLAINT INVESTIGATOR: Susan Miner
DATE OF COMPLAINT: March 7, 2001
DATE OF REPORT: April 6, 2001
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: May 21, 2001

COMPLAINT ISSUES:

Whether the Bartholomew Consolidated School Corporation and the Bartholomew Special Services Cooperative violated:

511 IAC 7-29-6(g) with regard to the school's alleged failure to rescind the student's suspension from the bus after the case conference committee determined the student's misconduct was a manifestation of the student's disability.

During the course of the investigation the following issues were added:

Whether the Bartholomew Consolidated School Corporation and the Bartholomew Special Services Cooperative violated:

511 IAC 7-27-4(c) and 511 IAC 7-27-6(a)(12) with regard to the school's alleged failure to ensure the case conference committee considered and addressed the student's need for a behavioral intervention plan; and

511 IAC 7-25-7 with regard to the school's alleged failure to conduct an additional evaluation when requested by the parent within sixty (60) instructional days.

FINDINGS OF FACT:

1. The student is seven years old, is in the first grade, and is eligible for special education and related services as a student with autism spectrum disorder.
2. Transportation is provided as a related service to this student according to the IEP dated May 8, 2000.
3. The student was suspended from the bus for one day in August 2000 and for two days in February 2001. The student attended school on the days of bus suspension.
4. The Individualized Behavior Plan (IBP) included in the IEP dated May 8, 2000, does not address behavior on the bus. The IBP includes all of the components for a behavioral intervention plan as identified in 511 IAC 7-17-8.
5. In a letter to the school dated December 6, 2000, the parent requested "...a behavior modification evaluation and plan related to school and bus transportation."

6. A chronology of events provided by the director indicates that a meeting with the parent and others was held on December 8, 2000, and consultations were held daily with the bus driver from December 11 through 22, 2000. However, these meetings are not documented. The staff, parent, bus driver, and bus monitor continued to implement strategies including reducing the time the student spent on the bus after school reconvened after winter break. Observations of the student in the school environment were done by a teacher on December 13, 2000, the school psychologist on January 18, 2001, the SLP on February 1, 2001, and a consultant from the IRCA on February 7, 2001. There is no documentation of observations of the student on the bus except for disciplinary reports submitted by the bus driver. A case conference committee (CCC) convened on February 23, 2001. An addendum to the IEP written by the CCC on this date includes a list of accommodations to be provided to the student on the bus and training activities to be completed by the bus monitor. These accommodations are not included as an addendum to the existing IBP that was developed on May 8, 2000.
7. The complainant asserts that the case conference committee determined the student's behavior to be a manifestation of the student's disability. However, the IEP addendum dated February 23, 2001, does not indicate that such a discussion occurred or that a decision was reached regarding a manifestation determination of the student's behavior on the bus.

CONCLUSIONS:

1. Findings of Fact #2 and #3 indicate the student receives transportation as a related service and that the student has been suspended from the bus for a total of three school days. Finding of Fact #4 reflects that the student's existing behavioral intervention plan did not address behaviors on the bus. Finding of Fact #7 indicates that a manifestation determination related to behaviors on the bus was not conducted. An addendum to a student's IEP, without other procedural documentation, does not constitute a manifestation determination. Therefore, no violation of 511 IAC 7-29-6(g) is found.
2. 511 IAC 7-27-4(c) requires the CCC to consider the parents' concerns for enhancing the student's education, as well as strategies to address a student's behavior. 511 IAC 7-27-6(a)(12) requires a Student's IEP to include a statement of any additional services, including interventions and accommodations, determined necessary by the CCC as a result of the factors identified in 511 IAC 7-27-4(c). Finding of Fact #4 indicates the student had an Individualized Behavior Plan that addressed behaviors in school but did not address behaviors on the bus. Finding of Fact #5 reflects that, on December 6, 2000, the parent requested "a behavior modification evaluation and plan related to school and bus transportation." Finding of Fact #6 indicates that meetings were held to gather information and brainstorm ideas beginning on December 8, 2000. Although observations were conducted of the Student in the school environment, no observations or other evaluation of the Student's conduct on the bus were conducted. On February 23, 2001, the CCC incorporated into the Student's IEP accommodations to be provided to the Student while on the bus. Therefore, no violation of 511 IAC 7-27-4(c) or 511 IAC 7-27-6(a)(12) is found.
3. Finding of Fact #5 indicates that the parent requested "...a behavior modification evaluation and plan related to school and bus transportation..." on December 6, 2000. A request for such an evaluation is considered a request for an additional evaluation and subject to being completed and a CCC convened within sixty instructional days from the date of the parent's written request. Sixty instructional days from that date would fall on or around April 13, 2001. Because the time has not yet elapsed in which the school must complete the evaluation and convene the CCC, no violation of 511 IAC 7-25-7 has occurred.

The Department of Education, Division of Special Education, requires no corrective action based on the Findings of Fact and Conclusions listed above.

DATE REPORT COMPLETED: April 6, 2001